

THE ACQUISITION OF CERTAIN LANDS BY EX-
CHANGE FOR ADDITION TO EFFIGY MOUNDS NA-
TIONAL MONUMENT, IOWA

SEPTEMBER 20 (legislative day, SEPTEMBER 8), 1982.—Ordered to be printed

Mr. BAKER (for Mr. McCLURE), from the Committee on Energy
and Natural Resources, submitted the following

REPORT

[To accompany S. 1661]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1661) to authorize the Secretary of the Interior to acquire certain lands by exchange for addition to Effigy Mounds National Monument in the State of Iowa, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

S. 1661, as reported, authorizes the Secretary of the Interior to accept a parcel of land, comprising roughly 4 acres adjacent to the Effigy Mounds National Monument in return for the conveyance of some 3 acres of land inside the Monument. The exchange would be accomplished without monetary consideration, and the 4 acres acquired by the Secretary would become part of Effigy Mounds National Monument, subject to all laws and regulations applicable thereto.

BACKGROUND AND NEED

Effigy Mounds National Monument was established by Presidential Proclamation on October 25, 1949, to protect a series of unique, prehistoric Indian mounds, overlooking the Mississippi River in northeastern Iowa. Within the Monument's 1,475 acres, are some 200 known

mounds, 29 in the form of bear and bird effigies and the remainder conical or linear shaped. Among the most outstanding is the Great Bear Mound, which is 70 feet across the shoulders and forelegs, 137 feet long, and $3\frac{1}{2}$ feet high.

There is no indication of any cultural or archaeological material on either parcel of land described in the bill. The exchange is proposed to regularize the boundary, simplify administration, and improve resource protection.

The 3-acre monument parcel proposed for deletion is isolated from the main body of the Park by County Road 561. Triangular in shape, the land rises steeply from the country road to a height of 90-100' above the road bed. There is a level bench at the top which is accessible only from the Teaser property behind. Because of its inaccessibility, it is not regularly patrolled by the National Park Service. Maintaining fences, boundary markers and warning signs are considered by the National Park Service to be an operational liability because of the terrain.

The 4-acre parcel to be acquired is owned by James R. Teaser, the individual whose holdings also provide the sole route of access to the isolated monument land. The tract is similarly triangular in shape.

In the past, the Teaser Triangle has been used as an escape route and sanctuary by poachers and ginseng hunters raiding the Park, much to the frustration of Park personnel and State conservation officer. If the monument boundary were contiguous along one side of the road, violators would be unable to screen their illegal activities in this "free area".

The land acquired by Mr. Teaser would be used principally for grazing. The tract to be added to the Park, being small and cut-off from the Teaser Farm by the road, is not readily usable for grazing. The values of the two parcels are roughly equal: the Teaser tract being valued at \$1,550; the Effigy Mounds tract at \$1,600. These calculations were prepared in September, 1980, by the National Park Service.

LEGISLATIVE HISTORY

S. 1661 was introduced by Senator Grassley on September 24, 1981. The Subcommittee on Public Lands and Reserved Water received testimony on S. 1661 on July 27, 1982. The Administration supports the enactment of S. 1661 as introduced as indicated in testimony before the Subcommittee. At a business session on September 15, 1982, the Committee on Energy and Natural Resources ordered S. 1661 favorably reported.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources in an open business session on September 15, 1982, by unanimous vote of a quorum present recommends that the Senate pass S. 1661 as described herein.

The rollcall vote on reporting the measure was 17 yeas, 0 nays as follows:

YEAS

NAYS

Mr. McClure
 Mr. Hatfield
 Mr. Domenici
 Mr. Wallop
 Mr. Warner ¹
 Mr. Humphrey ¹
 Mr. Murkowski
 Mr. Nickles
 Mr. East ¹
 Mr. Heinz ¹
 Mr. Jackson
 Mr. Johnston ¹
 Mr. Bumpers
 Mr. Ford
 Mr. Metzenbaum
 Mr. Matsunaga ¹
 Mr. Melcher

¹ Indicates vote by proxy.

COST AND BUDGETARY CONSIDERATIONS

The Committee does not anticipate any additional budgetary impact from enactment of S. 1661, to authorize the Secretary of the Interior to acquire certain lands by exchange for addition to Effigy Mounds National Monument in the State of Iowa, and for other purposes.

The measure (S. 1661) does not authorize any budget authority. The authorized land exchange would be accomplished without monetary consideration. In the event that there are any administrative costs, the Committee intends that any expenses be absorbed within existing funds otherwise available to the Department of the Interior.

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
 Washington, D.C., September 17, 1982.

HON. JAMES A. MCCLURE,
 Chairman, Committee on Energy and Natural Resources, U.S. Senate,
 Dirksen Senate Office Building,
 Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 1661, a bill to authorize the Secretary of the Interior to acquire certain lands by exchange for addition to Effigy Mounds National Monument in the State of Iowa, and for other purposes, as ordered reported by the Senate Committee on Energy and Natural Resources, September 15, 1982.

This bill authorizes the Secretary of the Interior to exchange approximately three acres of land within the Effigy Mounds National

Monument for approximately four acres of land adjacent to the monument in order to make use of an existing road to clearly delineate the boundary between the national monument and private landholdings. Based on information from the National Park Service, it is estimated that no significant additional cost to the federal government would be incurred as a result of enactment of this legislation.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1661, as reported.

The bill is not a regulatory measure in the sense of imposing Government established standards or significant economic responsibilities on private individuals and businesses.

S. 1661, as reported, would authorize the Secretary of the Interior to acquire certain lands by exchange for addition to Effigy Mounds National Monument in the State of Iowa, and for other purposes.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork would result from the enactment of S. 1661.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee setting forth Executive agency recommendations relating to S. 1661 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 20, 1982.

HON. JAMES A. MCCLURE,
*Chairman, Committee on Energy and Natural Resources, U.S. Senate,
Washington, D.C.*

DEAR MR. CHAIRMAN: This responds to your request for this Department's views on S. 1661, a bill "To authorize the Secretary of the Interior to acquire certain lands by exchange for addition to Effigy Mounds National Monument in the State of Iowa, and for other purposes."

We strongly support the enactment of this bill.

Subsection (a) of S. 1661 authorizes the Secretary to accept a parcel of land, comprising roughly 4 acres adjacent to the monument and lying south and east of county road 561, in return for the conveyance of some three acres of monument land located north and west of the road. The exchange would be accomplished without monetary consideration, and the four acres acquired by the Secretary would become part of Effigy Mounds National Monument, subject to all applicable laws and regulations. Subsection (b) of the bill provides a legal description of the affected properties.

Effigy Mounds National Monument was established by Presidential Proclamation on October 25, 1949, to protect a series of unique prehistoric Indian mounds overlooking the Mississippi River in northeastern Iowa. Within the monument's 1,475 acres are some 200 known mounds, 29 in the form of bear and bird effigies, and the remainder conical or linear shaped. Among the most outstanding is the Great Bear Mound, which is 70 feet across the shoulders and forelegs, 137 feet long, and 3½ feet high.

We have no indication of any cultural or archaeological material on either parcel of land described in the bill. The exchange is proposed to regularize the boundary, simplify administration, and improve resource protection.

The 4-acre parcel to be acquired is owned by James R. Teaser, the individual whose holdings also provide the sole route of access to the isolated monument land. The tract is triangular in shape. It is easily observed from the road, and thus easier to patrol. Warning signs and boundary markers would be placed along the road making them easier to maintain and more visible.

The 3-acre monument parcel proposed for deletion is isolated from the main body of the park by county road 561. Also triangular in shape, the land rises steeply from the county road to a height of 90-100 feet above the road bed. There is a level bench at the top which is accessible only from the Teaser property behind. Because of its inaccessibility, it is not regularly patrolled. Maintaining fences, boundary markers and warning signs are considered an operational liability because of the terrain.

In the past, the Teaser triangle has been used as an escape route and sanctuary by poachers and ginseng hunters raiding the park, much to the frustration of park personnel and State conservation officers. If the monument boundary were contiguous along one side of the road, violators would be unable to screen their illegal activities in this "free area."

Mr. Teaser is eager to complete the exchange. The land acquired by Mr. Teaser would be used principally for grazing. The tract to be added to the park, being small and cut off from the Teaser farm by the road, is not readily usable for grazing. The values of the two parcels are roughly equal. The Teaser tract is valued at \$1,550 and the Effigy Mounds tract is valued at \$1,600, based upon calculations prepared in September 1980.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DONALD PAUL HODEL,
Acting Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law would be made by the bill, S. 1661, as reported.